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**From:** Howard Shanker  
**Sent:** Tue 11/4/2014 9:13:41 PM  
**Subject:** FW: Hickman Egg CAFO in Tonopah, Arizona  
003.0- Plaintiffs' Motion for TRO (with Notice) or, in the Alternative Preliminary Injunction (08.05.14).pdf

Ms. Kristine:

Here is some general information:

1. The Tonopah location for the Hickman Egg CAFO appears to be in a floodplain and surrounded by significant washes (and a man-made irrigation ditch) that drain directly to jurisdictional washes/waters, including the Gila River. (Delaney Wash, Waters Wash, Winters Wash, Old Camp Wash). Hickman claims it is not in the floodplain, but it certainly appears to be. According to locals, the whole area is prone to significant flooding a few times a year (I have photos). There will be two holding ponds for wash down (a guess primarily a mixture of whole ground up chickens, blood, guts, manure . . .). I understand that the gunk from the holding ponds will be occasionally sprayed on the acreage they are maintaining "crops" on. I do not know what they will do with the sludge, if any. It appears very likely that these ponds will overflow during monsoons/flood events.

2. For your information, I have attached a motion for a TRO that was filed by the surrounding community. It asserts an anticipatory nuisance - it was filed before operations began. You might find the document helpful because it contains, *inter alia*, information regarding operations, legal names, address, etc. I believe that the facility impacts over 300 acres. In its first phase of operations it will hold approximately 2 million hens. At build out they anticipate approximately 12 million. It is difficult to know their exact plans - they are operating under an "agricultural exemption" in the state and do not need to comply with zoning, building, safety and/or drainage regulations/ordinance;

3. As you are probably aware, the CAFO General Permit for Arizona is expired (see below). As a result, even if Hickman does attempt to file an NOI to operate - that is not sufficient. They have filed no NOI and/or Nutrient Management Plan.

<http://www.azdeq.gov/environ/water/permits/cafo.html#perm>

The 2004 Arizona Pollutant Discharge Elimination System (AZPDES) Concentrated Animal Feeding Operation (CAFO) General Permit expired on April 17, 2009. The current CAFO general permit will be administratively continued and remain in effect for those granted coverage

prior to the expiration date. Any permittee who was granted permit coverage before the expiration date will automatically remain covered by the administratively continued CAFO general permit until the earlier of:

- Reissuance or replacement of the permit; or
- The permittee submits a Notice of Termination (NOT); or
- ADEQ issues an individual permit for the discharge; or
- ADEQ issues a formal permit decision not to reissue the general permit.

No new Notices of Intent (NOI) for CAFO General Permit coverage can be accepted until the new CAFO General Permit is issued.

4. I'll send you some information on when they began operations in a separate email in a few minutes.

Howard M. Shanker

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